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# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-222454

DATE: July 3, 1986

MATTER OF: Mainmark Associates, Ltd.

## DIGEST:

A restriction limiting offerors to proposals to furnish office space divided on not more than two contiguous floors is not shown to be unduly restrictive when the protester does not submit evidence overcoming the contracting agency's prima facie showing that the restriction is needed to promote office efficiency and security.

Mainmark Associates, Ltd. (Mainmark), protests the solicitation requirements of solicitation for offers (SFO) NEG-SMD-502 issued by the General Services Administration (GSA). The SFO calls for 19,000 net square feet of office space to house the 9th Marine Corps District Headquarters, but restricts consideration to buildings in which this space is located on no more than two contiguous floors. Mainmark contends that this limitation unduly restricts competition and excludes its property from consideration.

We deny the protest.

The building Mainmark seeks to have considered consists of 19,000 square feet on four floors, including a basement level. The contracting officer has notified Mainmark that the property, which GSA inspected prior to issuing the SFO, does not meet the two-floor requirement and cannot be considered. Mainmark contends that the solicitation is unduly restrictive in that it excludes bidders who could furnish the required square footage, but who cannot do so on only two floors.

In response to allegations of restrictiveness, a procuring agency bears the burden of presenting prima facie support for its requirement by presenting evidence that the restriction is necessary to meet its actual minimum needs.

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DSP Technology, Inc., B-220593, Jan. 28, 1986, 86-1 CPD ¶ 96. According to GSA, the restriction is justified in this instance because the Marine Corps requires office space located on no more than two contiguous floors in order to insure operational efficiency. GSA notes that contiguous space restrictions are not new for facilities leased for the Marine Corps and have been imposed here because the use of less restrictive arrangements tends to make staff supervision and informal meetings more difficult. In addition, GSA reports that security would be diminished without the restriction because it would be more difficult to control access to four floors than to only two floors.

In our view, GSA has established prima facie support for restricting consideration to buildings for which the 19,000-square-foot area requirement can be met by leasing no more than two floors. The government's view that scattering of employees can adversely affect office efficiency and security is reasonable on its face. Moreover, divided equally between two floors, the space requirement can be met by two areas, each with dimensions of only 100 x 100 feet per floor (100 ft. by 100 ft. x 2 floors would yield 20,000 square feet). Five organizational units of the 9th Marine Corps Headquarters staff are to be located in this space. The Marine Corps would prefer a single-floor layout, but has agreed with GSA that its five units can be divided between two floors. To allow offerors to divide the small area required among four floors, increasing the likelihood that organization units must be split and that personnel will be scattered, can reasonably be viewed as making no sense if alternative properties are available at reasonable prices. The record shows that GSA has identified 10 sites that do meet the requirement.

Since GSA has established prima facie support for the disputed requirement, the burden shifts to Mainmark to show that the requirement in dispute is unreasonable. Logistical Support, Inc., B-208763, Apr. 22, 1983, 83-1 CPD ¶ 436. Mainmark disagrees with the agency's two-floor restriction, but has submitted no evidence to establish that the restriction is unreasonable. Of course, the mere fact that a protester disagrees with an agency's conclusions regarding its needs does not make the determination unreasonable. Lanier Business Products, Inc., B-212072, Jan. 23, 1984, 84-1 CPD ¶ 94.

The protest is denied.

*for Seymour E. Gros*  
Harry R. Van Cleave  
General Counsel